

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 MILAN KJALASAN,

Case No. 2:20-cv-00039-JAD-EJY

5 Plaintiff,

**ORDER**

6 v.

7 NHOLT PAMELA LYNN,

8 Defendants.  
9

10 Plaintiff is proceeding in this action *pro se*, and requested authority pursuant to 28 U.S.C. §  
11 1915 to proceed *in forma pauperis*. However, having reviewed Plaintiff's Complaint, the Court  
12 denies review of Plaintiff's *In Forma Pauperis* application because, as pled Plaintiff's Complaint  
13 fails to establish the Court has subject matter jurisdiction over his claims.

14 Here, Plaintiff states that diversity jurisdiction is proper pursuant to 28 U.S.C. § 1332 because  
15 he is a citizen of this state, and Defendant is a citizen of another state. ECF No. 1-2. However, a  
16 party asserting diversity jurisdiction must also allege that the amount in controversy "exceeds the  
17 sum or value of \$75,000, exclusive of interests and costs," which Plaintiff does not do here. 28  
18 U.S.C. § 1332(a). Plaintiff's Complaint, therefore, fails to establish this Court's subject matter  
19 jurisdiction.

20 Accordingly,

21 IT IS HEREBY ORDERED that the Clerk of Court shall retain Plaintiff's *In Forma Pauperis*  
22 application (ECF No. 1) for potential future consideration.

23 IT IS FURTHER ORDERED that Plaintiff's Complaint (ECF No. 1-1) is DISMISSED  
24 without prejudice with leave to amend within **thirty (30) days** of the date of this Order.

25 IT IS FURTHER ORDERED that if Plaintiff chooses to file an amended complaint, the  
26 document must be titled "Amended Complaint." The amended complaint must contain a short and  
27 plain statement of the grounds for the Court's jurisdiction. Fed. R. Civ. P. 8(a)(1). Additionally, the  
28 amended complaint must contain a short and plain statement describing the underlying case showing

1 that Plaintiff is entitled to relief. Fed. R. Civ. P. 8(a)(2). Although the Federal Rules of Civil  
2 Procedure adopt a flexible pleading standard, Plaintiff still must give Defendant fair notice of the  
3 Plaintiff's claims against her.

4 Additionally, Plaintiff is advised that if he files an amended complaint, the original  
5 Complaint (ECF No. 1-1) no longer serves any function in this case. As such, the amended complaint  
6 must be complete in and of itself without reference to prior pleadings or other documents. The Court  
7 cannot refer to a prior pleading or other documents to make Plaintiff's amended complaint complete.

8 IT IS FURTHER ORDERED that failure to comply with the terms of this Order may result  
9 in a recommendation to dismiss this matter with prejudice.

10 DATED THIS 13th day of March, 2020.

11   
12 ELAYNA J. YOUCHAK  
13 UNITED STATES MAGISTRATE JUDGE  
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